

REMARKS

CLAIMS

35 U.S.C. § 102(b) Rejection of Claims 1 and 5

The Office Action rejected Claims 1 and 5 under 35 U.S.C. 102(b) as being anticipated by Langer *et al.* (US6,160,084). The Office Action states “regarding claim 1, Langer discloses a stent (col. 12 ln. 15) comprising a biodegradable SMP material in a non-vascular or vascular field, wherein the SMP material is selected from the groups consisting of covalent polymer networks and covalent polymer interpenetrating networks (col. 9, ln 39 – 52).” “Regarding claim 5, Langer discloses the SMP is selected from among ... (col. 9, ln 5 – 52)”

Applicants have amended Independent Claim 1 to include the features of claim 2 and amended the claim to more clearly claim the disclosed stent.

The stent in Claim 1 comprises two components: 1) a basic structure and 2) a biodegradable SMP material, and the biodegradable SMP material covers the basic structure.

Langer fails to disclose the “basic structure” in amended Claim 1 which is covered by a biodegradable SMP material. Claim 5 is dependent from Claim 1 and, as such, contains all the features of Claim 1.

The Examiner is requested to withdraw Langer *et al.* (US 6,160,084) as a 102(b) Prior Art reference. In light of the foregoing arguments, the Examiner is respectfully requested to allow Claims 1 and 5.

35 U.S.C. § 102(b) Rejection of Claims 11 - 14

The Office Action rejected Claims 11 – 14 under 35 U.S.C. 102(b) as being anticipated by Igaki (EP 1033145 A1).

Applicants have amended Claims 11 – 14 to be dependent from Claim 1.

Igaki does not disclose all the features of Claim 1 and, as such, does not disclose all the features of Claims 11 – 14, which are dependent from Claim 1.

The Examiner is requested to withdraw Igaki (EP 1033145 A1) as a 102(b) Prior Art reference. In light of the foregoing arguments, the Examiner is respectfully requested to allow Claims 11 - 14.

35 U.S.C. § 103(a) Rejection of Claims 1 -10

The Office Action rejected Claims 1 – 10 under 35 U.S.C. 103(a) as being unpatentable over Igaki (EP 1033145 A1) in view of Langer *et al.* (US 6,160,084).

Applicants disagree that the combination of references disclose “each and every” feature of amended Claim 1, and Traverse.

As discussed above, Langer does not disclose all the features of amended Claim 1. The disclosure of Igaki does not supply the features absent from Langer, so the combination of Langer and Igaki does not disclose each and every feature of Claim 1. Claims 2 – 10 are dependent from Claim 1 and, as such, contain all the features in Claim 1.

The Examiner is requested to withdraw Igaki (EP 1033145 A1) in view of Langer *et al.* (US 6,160,084) as 103(a) Prior Art references. In light of the foregoing arguments, the Examiner is respectfully requested to allow Claims 1 – 10.

Conclusion

Claims 1 – 14 are pending. Claims 1, 2 and 11 – 14 are Currently amended. Claims 4 – 10 are Previously presented. Claim 2 is Canceled.

In view of the foregoing, Applicants respectfully request reconsideration and timely allowance of the pending claims. Additionally should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349. If a fee is required for an extension of time under 37 C.F.R. § 1.136 that is not accounted for in the enclosed transmittal, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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By: /KOH/

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